WAKE COUNTY

2011 FB -8 IN THE GENERAL COURTS OF JUSTICE SUPERIOR COURT DIVISION

NORTH CAROLINA

11 CVS

THE NORTH CAROLINA STATE BAR,)
PETITIONER,)

v.) CONSENT ORDER OF
PRELIMINARY INJUNCTION

ROBERT L. MEBANE, ATTORNEY,)
RESPONDENT.)

THIS MATTER came on to be heard and was heard by the undersigned Judge of the Superior Court of Wake County on motion of petitioner, the North Carolina State Bar. Petitioner was represented by Katherine E. Jean. Respondent Robert L. Mebane was not represented by counsel. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

- 1. Respondent, Robert L. Mebane ("Mebane"), was licensed to practice law in North Carolina on August 23, 1980.
- 2. As of the date of this petition, Mebane's last known address of record on file with the North Carolina State Bar is 235 N. Washington Street, Rutherfordton, Robeson County, North Carolina 28139.
- 3. The State Bar has received evidence indicating that funds held in trust by Mebane were mishandled by Mebane.
 - 4. Mebane desires to cooperate with the State Bar.
- 5. A need for prompt action exists to ensure that further entrusted funds are not mishandled.

Based upon the foregoing Findings of Fact, the Court makes the following

CONCLUSIONS OF LAW

- 1. Prompt action, pursuant to N.C. Gen. Stat. 84-28(f), is necessary to preserve the status quo while the State Bar conducts an analysis of Mebane's trust and operating accounts and to ensure that no client funds are mishandled.
- 2. Mebane should be enjoined from accepting or receiving any funds from clients or third parties in any fiduciary capacity, from withdrawing any funds from and/or drawing any checks or other instruments against any account in which client or fiduciary funds have been deposited and from directing any employee or agent to withdraw funds from and/or to draw any checks or other instruments against any account in which client or fiduciary funds have been deposited until and unless permitted by subsequent orders of the Court.
- 3. Mebane should not be permitted to serve in any fiduciary capacity, including trustee, escrow agent, personal representative, executor or attorney-in-fact until and unless permitted to do so by further order of this Court.
- 4. To assist the State Bar's analysis of his trust and operating accounts, Mebane should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited.

THEREFORE, IT IS HEREBY ORDERED:

- 1. Robert L. Mebane is enjoined from accepting or receiving any funds from clients or third parties in any fiduciary capacity, from withdrawing any funds from and/or drawing any checks or other instruments against any account in which client or fiduciary funds have been deposited and from directing any employee or agent to withdraw funds from and/or to draw any checks or other instruments against any account in which client or fiduciary funds have been deposited until and unless permitted by subsequent orders of the Court.
- 2. Robert L. Mebane or any other person having custody or control of records relating to any account into which client or fiduciary funds have been deposited shall immediately produce to the North Carolina State Bar for inspection and copying all of Mebane's financial records relating to any account into which client or fiduciary funds have been deposited, including, but not limited to bank statements, canceled checks, deposit slips, client ledger cards, check stubs and debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds.
- 3. Robert L. Mebane or any other person having custody or control over records relating to individuals for whom he has provided legal services shall produce to the North Carolina State Bar for inspection and copying all records and documents including but not limited to client files, billing statements, memoranda and receipts. Current client files shall be produced within 24 hours of demand by the State Bar and closed client files shall be produced within 3 days of demand by the State Bar.

- 4. If Mebane does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rules 1.15-2 and 1.15-3 of the Rules of Professional Conduct, he shall direct the bank(s) where his bank account(s) are maintained, within 10 days of the date of this order, to copy and transmit any such missing records directly to the North Carolina State Bar at Mebane's expense.
- 5. Mebane shall not serve in any fiduciary capacity, including trustee, escrow agent, personal representative, executor or attorney-in-fact until and unless he is permitted to do so by further order of this Court.
- 6. This Consent Order of Preliminary Injunction shall remain in effect until further orders of this Court.

THIS the \ day of FEBR	DARY, 2011.
	Wake County Superior Court Dudge
WE CONSENT	
Katherine E. Jean	
Attorney for Petitioner	

Robert L. Mebane Respondent